



ZONING ORDINANCE

Draft Kennestone Hospital
Overlay District Standards
January 18, 2012

A. Intent and Purpose.

The Kennestone Hospital Overlay District is established to support an appropriate transition of medical-related uses to existing established residential neighborhoods, enhance the quality and compatibility of development, to establish consistent architectural and design guidelines, to encourage the most appropriate use of land, and to promote safe and efficient movement of traffic in and around the area surrounding Kennestone Hospital. All applicable developments proposed within this District shall be subject to procedures, standards, and guidelines specified in the following sections, in addition to those standards pertaining to the particular zoning district in which the development occurs.

In particular, the purpose of the Kennestone Hospital Overlay District is to better articulate positive visual experiences in the area surrounding Kennestone Hospital; to provide for the continued safe and efficient utilization of roads; to promote pedestrian mobility and safety; and to provide for the preservation and continued viability of historically significant neighborhoods. This will be accomplished through evaluation of all applicable developments within the districts by City staff. Depending on certain development land uses and other criteria, some developments in the Overlay District will require approval by the Marietta City Council. Staff shall use the point system of specific criteria as described later in this section. It is the purpose of such review to determine whether the proposed plan meets the guidelines and other criteria of this ordinance.

B. Delineation of District.

1. The Kennestone Hospital Overlay District shall include:
 - a) The parcels lying in whole or in part within Roads that are designated as part of the Kennestone Hospital Overlay District including Church Street Ext. from x to x, Canton Road Connector from x to x, Canton Road from x to x, Margaret Avenue from x to x, North Sessions Street from x to x, Roselane Street from x to x, Tower Road from x to x.
2. The boundary of this district shall be shown on the Official Zoning Map of the City of Marietta.

C. Relationship to existing zoning districts.

In all existing zoning districts located within the Kennestone Hospital Overlay District the regulations for the zoning district, other zoning and building codes, and the overlay district shall apply. In cases where there is a conflict between the regulations of the Kennestone Hospital Overlay District and other sections of the zoning ordinance the Kennestone Hospital Overlay District shall take precedence. All residentially zoned properties must be rezoned to a commercial or office zoning category in order to develop as office, mixed use, or other eligible use under this ordinance (Not withstanding Section D.2. below).



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D. *Developments exempt from the hospital design overlay district.*

The following activities or uses shall be exempt from the Design Overlay requirements and development review, although they may be reviewed under separate administrative procedures where noted in this section or in other sections of the Marietta Municipal Code.

1. Nonconforming Structures. If a nonconforming structure is to be retained then the structure shall not be rebuilt, altered, or repaired if such construction would exceed 75% of its replacement cost. If rebuilding, alteration, or repair of a nonconforming structure exceeds 75% of the replacement cost then the building shall be required to conform to all provisions of the Kennestone Hospital Overlay District Ordinance. For nonconforming structures that are rebuilt, altered, or repaired where the existing building footprint is expanded (or there is development work on the site), such construction shall not exceed 50% of its replacement cost, subject to the standards set forth in Division 706 of the City of Marietta Zoning Ordinance.
2. Single Family Residences on Individual Lots. All single-family structures located on single-family detached residentially zoned lots are exempt from this ordinance but shall comply with the provisions set forth in other sections of the Marietta Municipal Code. Compliance with these provisions shall be verified through the building permit process. Any single-family residential structure that is altered for commercial use shall comply with the provisions set-forth in this ordinance.

E. *Design Plan Administrative Review.*

1. As part of the site planning process, administrative design review by staff is required to confirm that submitted documents conform to the requirements of this article. A checklist containing mandatory and optional elements of sections _____ shall be used with a minimum score required to determine compliance with the code.
2. The design review plan must contain the mandatory elements located in each subsection of the Design and Development Guidelines listed below. In addition, developments shall attain 50% of the possible point totals located in the Optional Elements categories of the Design and Development Guidelines listed below. Within the Optional Elements categories, items that are not applicable to a particular application shall not be considered in the base points for calculating percentages. For developments located in Transitional Zones or Restaurant Perimeter Zones, additional design standards apply in addition to those in the Design and Development Guidelines-Section G below.

F. *Special Land Use and Variance Approvals by the Marietta City Council*

- 1) Special Land Use Approvals- Within this district, there are several uses that require special approval from the Marietta City Council in order to be developed. If the City Council approves a use, all conditions required for that use in the underlying zoning district shall apply, unless specifically approved otherwise. All uses permitted by right in the underlying zoning districts are permitted in the Kennestone Hospital Overlay District, with the exception of the following uses below. Approval of these uses shall follow the standards set forth in Section 712.01 Special land use permits of the City of Marietta Zoning Ordinance:



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NRC, Neighborhood Retail Commercial

1. Automobile service stations.
2. Billiards, pool halls and video arcades.
3. Carwashes.
4. Convenience stores. Such uses may include self-service fuel sales.

CRC, Community Retail Commercial

1. Amusement centers and arcades, including billiards and pool halls.
2. Automobile, trailer and boat sales.
3. Automotive repair shops (including paint and body).
4. Automobile service stations.
5. Convenience stores. Such uses may include self-service fuel sales.
6. Carwashes.
7. Car maintenance facilities such as brake repair, installation of tires, tune-up shops, oil change services, emission stations and the like.
8. Coliseum, stadium. Minimum lot size of 5 acres.
9. Commercial landscapers. Outdoor storage shall be at least 25 feet from the street right-of-way. Such use shall be at least 100 feet from any property zoned single family residential.
10. Dry cleaning utilizing petrochemicals.
11. Exterminating facilities.
12. Farm and garden supply stores, including nurseries and greenhouses. Outdoor storage shall be at least 25 feet from the street right-of-way.
13. Funeral homes. All structures shall be located and activities conducted at least 100 feet from any property zoned for residential purposes.
14. Golf courses, club houses and golf/baseball driving ranges.
15. Grocery and food stores over 15,000 square feet of gross floor area.
16. Helicopter landing areas. Minimum one acre. Must be enclosed by a fence no less than 8 feet in height.
17. Hotels and motels.
18. Lumber, hardware, paint, glass and wallpaper stores. Outdoor storage shall be at least 50 feet from the street right-of-way line and be screened with a solid fence or wall no less than six feet in height.
19. Mini warehouses and self-storage facilities.
20. Movie theaters.
21. (Pay) Parking lots and garages. Up to 75% of the gross floor area of the ground floor level may be devoted toward commercial use oriented towards pedestrian traffic. If a surface parking lot abuts a single family residential district, a 5 foot wide landscaped buffer with a solid fence or wall no less than six feet in height shall be provided.
22. Plumbing and heating equipment dealers. Outdoor storage shall be at least 50 feet from the street right-of-way. Such use shall be at least 100 feet from any property zoned for residential purposes.
23. Retail automobile parts and tire store.



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24. Section b) Retail trade involving the sale of merchandise on the premises, where a single tenant occupies more than 40,000 square feet (if approved, shall be subject to standards in 708.16 B.45. Retail Trade.
 25. Shelters for the homeless.
 26. Shopping centers (up to 200,000 square feet in gross floor area, including outparcels). All businesses and uses within these centers must be permissible within the district in their own right (and remain subject to any relevant distancing requirements) except dry cleaning plants utilizing petrochemicals. Stations, bus or train terminals for passenger service with minimum freight.
 27. Taxi stands and dispatching agencies.
 28. Telecommunications facilities (see standards set forth in Section 712.07).
 29. Vehicle leasing or rentals.
 30. Adult entertainment (see standards set forth in Section 8-20-140).
 31. Telecommunications facilities (see standards set forth in Section 712.07).
 32. Indoor BB/air rifle shooting ranges operated by educational, civic or non-profit organizations (see standards set forth in Section 712.07).

OI, Office Institutional

1. Group homes and halfway houses,
2. Fraternity and sorority houses and residence halls.
3. Halfway houses.
4. Hotels.
5. Shelters for the homeless.
6. (Pay) Parking lots and garages. Up to 50% of the gross floor area of the ground floor level may be devoted toward commercial use oriented towards pedestrian traffic. If a surface parking lot abuts a single family residential district, a 5 foot wide landscaped buffer with a solid fence or wall no less than six feet in height shall be provided.

LI, Light Industrial and HI, Heavy Industrial

All uses listed by right under the industrial zoning categories shall require a Special Land Use approval from the Marietta City Council within the Kennestone Hospital Overlay District.

- 2) All variance requests shall be required to be approved by the Marietta City Council, subject to the process and standards in Section 720 of the City of Marietta Zoning Ordinance.

G. *Design and Development Guidelines.*

The general purpose of the design overlay is to encourage private development to display some of the basic features of a pedestrian-oriented development. Overlay conditions are intended to promote a continuous street front experience that engages the pedestrian and generates visual interest.

1. Land use patterns

a) Mandatory Elements

1. The maximum floor area ratio for developments is 1.25.
2. Projects that do not meet the criteria for mixed-use developments (as stated in the mixed-use section ____ below) shall be allowed only the permitted uses stipulated in the underlying zoning district. For example, individuals cannot build an exclusively residential development on a parcel zoned for commercial or office use.
3. When fronting a street listed in subsection _____, the frontage of the first floor of parking structures or garages shall be dedicated to commercial use, excluding ingress and egress. Also, when the upper stories of parking garages are visible from streets listed in subsection _____ techniques and designs shall be used that disguise the appearance of the parking garage or structure and the have an exterior finish and facades shall be made of wood, masonry, stone, or a combination of these.
4. Commercial and office uses shall be designed and operated so that neighboring residents are not exposed to offensive noise, especially from late-night activity. No amplified music shall be audible to neighboring residents.
5. All outdoor lighting associated with commercial uses shall be designed so as not to adversely impact surrounding residential uses, while also providing a sufficient level of illumination for access and security purposes. Such lighting shall not blink, flash, oscillate, or be of unusually high brightness. Also, parking areas shall be illuminated so as to provide appropriate visibility and security during hours of darkness.
6. All storage and work performed within the overlay district shall be conducted within a permanent opaque building that shall conform to all provisions of the building design section of the Kennestone Hospital Overlay Ordinance.
7. Loading or service areas including refuse and recycling must be out of public view and must not front onto the primary street.
8. No commercial use shall be designated or operated so as to expose residents to offensive odors, dust, electrical interference, and/or vibration.
9. Commercial, and office uses in a shared development shall provide combined and private bulk sanitation service for the entire development.
10. Electric and communications transformers shall be screened from public view through below grade installation, a hedge, or similar measure.
11. All other mechanical equipment must be behind or on top of the building and screened from public view through use of a parapet wall or through landscaping.



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2. Site design

a) Optional Elements: 245 points maximum/ 123 points for approval

1. Where a building is on a corner lot or has frontage on two abutting streets, the design of the structure should have an angled entrance located at the street corner. (+15)
2. In order to create a sense of enclosure and defined space, buildings shall be arranged so that they frame and define the fronting streets giving deliberate form to streets and sidewalk areas. Defining the street is done by ensuring that neighboring buildings, when the neighboring building meets the standards set forth in the Kennestone Design Overlay District, are setback a similar distance visually from the right-of-way, where applicable. (+15)
3. As a method to maximize greenspace in the corridor, adjacent property owners should coordinate greenspace between lots so that smaller segments of greenspace can be combined to create large open space areas. (+30)
4. Preserve specimen trees and/or significant tree stands as a method to produce shade and reduce the heat island effect. (+15)
5. One curb cut is allowed per property. For every five hundred (500) feet of road frontage an additional curb cut is allowed. The purpose of this provision is to ensure efficient and effective traffic flow. The Director of the Public Works Department may waive this condition based on site conditions. (+30)
6. Developments with more than one curb cut per property (or more than two curb cuts for corner lots). (-30)
7. Parking shall be located in the rear yard of properties. If rear yard parking is not possible due to irregularly shaped parcels then parking in the side yard shall also be permitted. (+20)
8. Parking in the front yard of properties or directly between a building and the primary public right-of-way. (-20)
9. Access parking through rear of the property (alleys), where possible. (+5)
10. One (1) non-pine shade tree shall be planted every 10 parking spaces. The planter islands shall have a minimum of a one hundred and twenty five (125) square foot planter island. (+15)
11. Driveway width of twenty feet (not including curb and gutter) as a way to create a safe environment for both vehicles and pedestrians. (+5)
12. Provide pedestrian walkways through parking areas to the sidewalk/main entrance. (+15)
13. Create inter-parcel access between adjacent lots to increase mobility options for vehicles and pedestrians. (In some cases the ability to provide interparcel access may not be successfully achieved due to conflicts with the neighboring property or property owner, and not by physical or topographical issues. In such cases, installing a driveway to the neighboring property and providing a recorded easement that will allow interparcel access to the neighboring property in the future is sufficient to achieve the points. (+30)
14. Enter into a shared parking agreement (access easement) with adjacent uses. In addition, properties with shared parking agreement receive a ten percent (10%) reduction in the required number of parking spaces. (+30)
15. Provide bicycle parking facilities. (+5)

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16. Outdoor dining areas and public art are encouraged at building fronts, where applicable. Outdoor dining facilities are to be located on private property except for those properly licensed in accordance with the “Outdoor Café Ordinance,” Marietta Code Chapter 8-39. (+15)

b) Mandatory Elements

1. Sixteen-foot (16') maximum front setback from the building to the property line along any public street. If part of the building must be setback from the sidewalk, treat these portions of the building as a plaza or courtyard. No more than twenty-five (25) percent of a building frontage may be designed as a plaza or courtyard.
2. Twenty-five foot (25') setback is required where the rear property line directly abuts a single-family residential district. Parking may occur within the required 25' setback as long as a screening fence or wall not less than six (6) feet in height and made of wood, stone, brick is installed within the required buffer.
3. Six (6) foot minimum side setback is required between a building and the side property lines and between the building and a public right-of-way. No side setbacks are required for buildings within the same development.
4. If parking occurs within the side yard of a property, a landscaped buffer of ten (10) feet shall be required to separate the parking facility from the adjacent parcel. Landscaping shall not be required in the areas designated for inter-parcel access when a shared parking agreement is in effect between adjacent property owners.
5. Drive-through uses shall comply with the following design standards:
 - (1) A drive-through facility shall be limited to one driveway crossing of a pedestrian route, but shall not be limited in the number of service windows, bays, or lanes within the site provided the minimum floor area ratio of the district is met. However, if an applicant can demonstrate that construction of a single joint use driveway is constrained by the size of the parcel, by unusual topographic or otherwise site considerations such that the project as a whole would be uneconomic and would otherwise be built, or if the return routing to such a joint use driveway would require drive lane to be constructed parallel to and within fifteen (15) feet of a major pedestrian route that could otherwise be avoided, then a drive-through use may have separate ingress and egress driveways crossing a pedestrian route.
 - (2) The drive-through service window, bay, or lane and all queuing lanes shall be located as far as practicable from any right-of-way, or pedestrian route.
 - (3) If a drive-through facility is within fifty (50) feet of a pedestrian route and queuing lanes and service windows, bays, or lanes would otherwise be visible from the pedestrian route, landscaping shall be installed to screen the service windows, bays, or lanes from.
 - (4) Pedestrian circulation within the site shall be well marked, both for the operator of a vehicle and for the pedestrian, and shall comply with the requirements of the American with Disabilities Act.
6. Parking facing a right-of-way or improved accessway shall meet the requirements of section 712.08.G of the Tree Protection and Landscaping Ordinance.

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7. Any building abutting a public right-of-way shall be oriented to the street. The primary entry or entries for all ground-floor units abutting the street shall open directly onto the street right-of-way, not to the interior of the site or to a parking lot. Secondary entrances may face parking lots or other interior site areas.
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3. Building design
 - a) Optional Elements (185 points maximum/93 points needed for approval)
 1. Roofs should reflect the traditional character of Marietta and provide visual interest for pedestrians, which involve the following:
 - (1) Flat roof styles are preferred because it is the traditional style of Marietta buildings. (+25)
 - (2) Shed roofs (single pitch) are not preferred because they do not fit the predominant architectural style of the City. (-25)
 - (3) Decorative cornice lines shall be incorporated to clearly identify the top of the building. (+15)
 - (4) Occupied roofs, such as roof gardens, terraces, decks and balconies are encouraged. (+10)
 2. Building facades should reflect traditional patterns and provide visual interest for the community.
 - (1) Clearly delineate upper and lower facades by using cornice lines, stringcourses, canopies, awnings, fenestration, and other architectural elements to create a recognizable base, middle, and top of buildings. (+25)
 - (2) Entryways are important to a pedestrian environment and provide a special opportunity to make a building unique while at the same time providing a highly visible customer entrance and identifiable public address. Awnings or a change in the roofline shall be used as a way to define the entry of buildings facing right-of-ways. (+15)
 - (3) Recessed doorways are encouraged. Doorways should not be recessed more than five (5) feet from the front façade unless a courtyard, café, window display, or similar space is provided between the doorway and the sidewalk. (+5)
 - (4) Street facades shall incorporate visual interest. Developers should use bays, storefronts, entrances, columns, and other vertical elements to “break-up” the building façade. (+15)
 - (5) Long, monotonous, or uninterrupted horizontal stretches of street-facing building facades shall be avoided. (-15)
 - (6) Storefronts shall incorporate display windows, transoms, and/or entrances that account for fifty (50) percent of the ground level of building. (+10)
 - (7) The upper stories of all street-facing facades shall contain at least thirty (30) percent opening through the use of windows, bays, porches, or other similar architectural elements. The aforementioned openings shall not to exceed seventy-five (75) percent of the street-facing facades. (+10)

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- (8) Pedestrian lighting shall be used for entryways at a height of ten (10) feet or less. The pedestrian lighting shall also use techniques and mechanisms to reduce the glare caused by the lighting fixtures. (+5)
 - (9) Heavily tinted windows are discouraged. The maximum reflexivity of any window shall not exceed thirteen (13) percent (-10)
 - (10) Windows shall incorporate decorative architectural designs including the following:
 - (a) Sills (+10)
 - (b) Trim (+10)
 - (c) Lintels (+10)
 - (11) Windows that do not incorporate any abovementioned design features are discouraged. (-10)
3. Buildings of historic significance should be retained or preserved.
- (1) New additions or alterations to historically significant buildings shall be compatible with the massing, size, scale, rooflines, materials, colors, and architectural features of the original building. (+10)
 - (2) New additions or alterations shall not cover, remove, or damage significant architectural elements of historically important buildings that are visible from the street such as decorative cornices, windows, doors, trim around openings, railing, storefronts, and any other historically decorative feature or façade. (+10)
 - (3) Demolition of historically significant buildings is strongly discouraged, where applicable. (-10)
- b) Mandatory Elements
- 1. Mechanical equipment located on rooftops shall be completely screened so no portion of the equipment is visible from the street.
 - 2. Minimum building height of two stories or eighteen feet (18'). Maximum building height of eighty-five (85) feet for properties outside the transitional zones and zoned OI or CRC. All other zoning districts shall comply with the height stipulated in the underlying zoning. Buildings exceeding 85 feet are allowed subject to the approval of the Marietta City Council.
 - 3. Awnings shall be made of fabric, canvas, or fixed metal, or similar materials. Canvas or similar materials are not permitted materials to be used for awnings.
 - 4. Blank, windowless walls are prohibited when facing a public street.
 - 5. Window frames (except glass block) shall be recessed at least 2 inches from the exterior building face.
 - 6. Exterior window trim shall not be flush with the exterior wall. The window trim shall have a minimum relief of ¼ inch from the exterior wall.
 - 7. Exterior finishes shall be primarily wood, masonry, stone, or a combination of these. Exterior finishes that are plain concrete block, plain concrete, corrugated predominantly metal, plywood, and sheet pressboard, and other similar materials are not allowed as an exterior finish material.



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4. Streetscape Design

a) Mandatory Elements

1. A six (6) foot sidewalk shall be constructed that will allow for safe and efficient pedestrian flow in front of all development projects in the district. This is imperative to ensure pedestrians feel comfortable on the sidewalk as well as important to meet the current American with Disabilities Act standards. Where applicable, a two (2) foot grass separation between the curb and the sidewalk shall be installed.
2. Eight (8) foot wide private landscape zone is required to be installed along property between the sidewalk and the building face. The landscape zone proposal shall be reviewed for compliance during the design review/site plan approval process.
 - (1) Trees shall be placed in the landscape zone using the following specifications:
 - (a) Trees shall be placed not more than thirty (30) feet apart within the landscape zone;
 - (b) Where there are physical restrictions spacing of street trees shall be adjusted, provided the adjustment is the minimum needed to avoid the obstruction;
 - (c) Tree spacing can be adjusted so as not to block, obscure, or interfere with the operation of traffic signals, utilities, or any existing marquee, overhanging sign, awning, or other public infrastructure that was placed prior to the planting of the landscape zone, provided the adjustment is the minimum required for such avoidance;
 - (d) Street trees shall not be planted in a manner that will diminish adequate sight distance.
 - (e) No street tree shall be planted within ten (10) feet of a light standard or utility pole;
 - (2) Tree species should be selected with root growth habits that will not cause damage to sidewalks or anything contained within the public right-of-way, or such tree species should be sited away from such hard-surfaced areas. Appropriate tree species are as follows:
 - (a) Hornbeam, Eastern (M)
 - (b) Maple, Red (M)
 - (c) Maple, Southern Sugar (M)
 - (d) Oak, Willow (L)
 - (e) Other tree similar in nature to those listed above that is suitable to be placed in urban and pedestrian environments.
 - (3) Street trees shall have a caliper of three (3) inches
 - (4) Tree protection techniques and protective barriers shall be done in accordance with the Tree protection and landscaping, Section 712.08 of the Marietta Zoning Ordinance.
 - (5) Landscaping plans shall show all obstructions that may affect plant placement and installation limitations including all underground utilities.
 - (6) All exposed dirt areas shall be covered with bark, mulch, or other weed control measures included as part of the final landscape plan.



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- (7) The property owner shall ensure the upkeep, health, and aesthetics of the landscape zone through the use of proper irrigation of plant species in the landscape zone, regular maintenance of the landscape zone and replacement of items located within the landscape zone.
 - (8) Within the landscape zone on the main commercial corridors (Tower Road, Church Street, Cherokee Street, Canton Road, North Avenue) the developer shall provide at least two (2) of the following pedestrian amenities that shall be accessible to the sidewalk:
 - (a) Benches;
 - (b) Trash receptacles;
 - (c) Public art;
 - (d) Or other similar design feature integrated into the overall design of the building or portion of the landscape zone in order to enhance the pedestrian environment.
 - (9) Pedestrian lighting fixtures are required every sixty (60) feet on the main commercial corridor within the landscape/pedestrian zone. Where there are physical restrictions spacing of lighting standards shall be adjusted, provided the adjustment is the minimum needed to avoid the obstruction. The lighting shall be a style approved by the City of Marietta staff. In addition to supplying the pedestrian lighting a two-foot by two-foot (2' x 2') dedicated easement adjacent to the public right-of-way shall be required so City staff can provide adequate upkeep to the pedestrian lighting fixtures.



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H. Design and development guidelines for Mixed-Use Projects

Within the Kennestone Hospital Overlay District, mixed use development projects are allowed subject to the standards below:

1. Land use patterns
 - a) Underlying zoning district must be either NRC, CRC, OI
 - b) Parcels that are partially or entirely within the Transitional Zones, shall require a Special Land Use approval by the Marietta City Council
 - c) Staff shall review proposed projects during the site plan review process. Each project must meet all of the Required standards and 50% of the Optional Elements below (in addition to the other requirements in this ordinance):
 1. Optional Elements: 30 points maximum/15 points for approval
 - (1) Provide for a mix of uses and pedestrian oriented uses within each development or building. Store front shops, retail, office, professional services, townhomes, and condominiums are permitted uses within the Kennestone Hospital Overlay District when they are mixed together within a building or development. (+10)
 - (2) Within a mixed-use building the ground level of buildings facing a right-of-way shall have a mix of the following uses: (+10)
 - (a) Retail;
 - (b) Restaurants;
 - (c) Cultural Activities;
 - (d) Entertainment;
 - (e) Other service establishment similar to those listed above
 - (3) Within a mixed-use building all floors, excluding the ground floor of buildings facing a right-of-way, shall have a mix of the following uses: (+10)
 - (a) Office uses;
 - (b) Residential units.
 2. Mandatory Elements
 - (1) The maximum floor area ratio for mixed-use developments containing residential and commercial or office components within the same development is 2.0. In order for a development to be considered a mixed-use project it must meet all provisions set forth in the Kennestone Hospital Overlay District Ordinance Section ____.
 - (2) Common walls between residential and non-residential uses shall be constructed to minimize the transmission of noise and vibration.
 - (3) Developments that incorporate a mixture of residential and commercial or office uses shall have at least 30% of the floor area dedicated to residential use.
 - (4) Developments that incorporate a mixture of residential and commercial or office uses shall have at least 20% of the floor area dedicated to commercial or office use.
 - (5) Residential units are not allowed on the ground floor of any mixed-use development in a building that is fronting any streets listed in subsection _____. The intent of this is to ensure the commercial character of the corridors of the area.
 - (6) The maximum number of residential units on a lot shall be one unit for each 1,742 square feet of lot area.



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- (7) The minimum floor area for individual residential units shall be as follows:
 - (a) Nine hundred (900) square feet for one (1) bedroom units.
 - (b) One thousand-one hundred (1100) square feet for two (2) bedroom units.
 - (c) One thousand four hundred (1400) square feet for three (3) bedroom units.
 - (8) Residential, commercial, and office uses in a mixed-use development shall provide combined and private bulk sanitation service for the entire development.
 - (9) Residential uses may include townhouses and condominiums, provided:
 - i) A mandatory homeowners association shall be created that will be responsible for the upkeep and maintenance of all front yards and common areas including all fencing, landscaping, amenities and buffers, and shall include architectural control oversights for the development. Those projects containing ten (10) units or less, and considered redevelopment, conversion or remodeling of existing units shall be exempt from this requirement.
 - ii) Materials to be used on exterior facades of all buildings shall include brick, stone, stucco (not EFS type) or fiber-cement siding, or combinations of those materials. No vinyl, aluminum or metallic siding may be used.
 - iii) The townhouses and/or condominiums shall be “for sale” only, and no more than five percent (5%) of all the homes within the residential development shall be allowed to be renter occupied at any time.
 - iv) The development shall be constructed and governed in conformity with the requirements of the Georgia Condominium Act (O.C.G.A. §44-3-70, et seq.). A Declaration of Condominium shall be submitted and recorded in compliance of this act.
 - v) All townhouses and/or condominiums shall have two-car garages or the entire development shall provide for two spaces per unit in a separate lot (or parking deck),
 - vi) A guest parking area shall be provided at a ratio of 0.2 spaces per dwelling unit. Those projects containing ten (10) units or less, and considered redevelopment, conversion or remodeling of existing units shall be exempt from this requirement.
 - (10) 5% minimum open space per lot if the property is a mixed-use development.
 - (11) 95% maximum impervious surface per lot if the property is a mixed-use development
 - (12) All garages, detached and attached, shall reflect the architectural style and building materials that are used for the dwelling structure and shall not front onto the primary right-of-way. Alleys shall be used to provide adequate parking and vehicular access for the dwelling units, where possible.

I. Design and development guidelines for Restaurant Perimeter Zone .

Developments that incorporate restaurants within the Restaurant Perimeter Zone shall meet the standards listed in section _____ except that:

- 1. A 75-foot maximum front setback from the building to the property line along any public street. If part of the building must be setback from the sidewalk, treat these portions of



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the building as a plaza or courtyard. No more than twenty-five (25) percent of a building frontage may be designed as a plaza or courtyard.

2. Twenty-five foot (25') setback is required where the rear property line directly abuts a single-family residential district. Parking may occur within the required 25' setback as long as a screening fence or wall not less than six (6) feet in height and made of wood, stone, brick is installed in the required buffer.
3. Six (6) foot minimum side setback is required between a building and the side property lines and between the building and a public right-of-way. No side setbacks are required for buildings within the same development.
4. A 10% minimum open space area per lot is required for all developments.
5. Parking facing a right-of-way or improved accessway shall meet the requirements of section 712.08.G of the Tree Protection and Landscaping Ordinance.
6. Drive-Through uses shall be allowed and shall comply with the standards in section _____.

J. *Design and development guidelines for Transitional Zones.*

The general purpose of the transitional zones is to provide added protection to surrounding residential neighborhoods from encroaching nonresidential developments. Developments in these areas must meet the standards listed elsewhere in this ordinance in addition to the standards listed below. These standards are meant to mitigate these encroachments by placing minimum requirements on height, lighting, bulk and area, buffers, fencing beyond those listed in this ordinance. There are two transitional zones with Transitional Zone 1 having greater standards, due to closer proximity to residential property.

1. Transitional Zone 1 Standards

a) Lighting Standards:

All outdoor lighting associated with commercial uses shall be designed so as not to adversely impact surrounding residential uses, while also providing a sufficient level of illumination for access and security purposes. Such lighting shall not blink, flash, oscillate, or be of unusually high brightness. Also, parking areas shall be illuminated so as to provide appropriate visibility and security during hours of darkness. During site plan review, developments must provide an outdoor photometric lighting plan showing the type and number and location of lighting fixtures, footcandle distribution and measures used to shield adjacent residential property.

b) Bulk and Area Regulations:

The bulk and area regulations for developments is the standard stipulated in the underlying zoning district.

c) Height Limits:

For developments that directly abut residentially zoned properties, the maximum building height shall not exceed 35 feet.

d) Buffer/Screening/fencing Standards: The buffer/screening/fencing for developments is the standard stipulated in the underlying zoning district. For developments that directly abut



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residentially zoned properties, there shall be installed a minimum 35 foot buffer. When a development directly abuts a residentially zoned property which is vacant, or used for public, institutional or place of assembly purposes, the buffer may be reduced to 10 feet in addition to the zoning setback and 6 foot fence.

- e) Parking decks shall not be allowed when directly abutting residentially zoned property.
- f) Drive-through Facilities shall not be allowed.
- g) Outside storage is prohibited.

2. Transitional Zone 2 Standards

a) Lighting Standards:

All outdoor lighting associated with commercial uses shall be designed so as not to adversely impact surrounding residential uses, while also providing a sufficient level of illumination for access and security purposes. Such lighting shall not blink, flash, oscillate, or be of unusually high brightness. Also, parking areas shall be illuminated so as to provide appropriate visibility and security during hours of darkness. During site plan review, developments must provide an outdoor photometric lighting plan showing the type and number and location of lighting fixtures, footcandle distribution and measures used to shield adjacent residential property.

b) Bulk and Area Regulations:

The Floor Area Ratio shall not exceed 1.0. All other bulk and area regulations for developments is the standard stipulated in the underlying zoning district.

c) Height Limits:

Developments shall not exceed 75 feet. Buildings exceeding 75 feet are allowed subject to the approval of the Marietta City Council.

d) Buffer/Screening/fencing Standards: The buffer/screening/fencing for developments is the standard stipulated in the underlying zoning district. For developments that directly abut residentially zoned properties, there shall be installed a minimum 35 foot buffer. When a development directly abuts a residentially zoned property which is vacant, or used for public, institutional or place of assembly purposes, the buffer may be reduced to 10 feet in addition to the zoning setback and 6 foot fence.

e) Parking decks shall not be allowed when directly abutting residentially zoned property except when a development directly abuts a residentially zoned property which is vacant, or used for public, institutional or place of assembly purposes.

f) Outside storage is prohibited unless approved by the Marietta City Council.

K. *Signage.*

Signage shall be limited to the standards set forth in Section 714 of the City of Marietta Sign Ordinance. For the purposes of constructing new ground signs for properties zoned OI, NRC, CRC in the Kennestone Overlay District, Free Standing (Detached) Monument Signs shall meet the standards of Tier A.

L. *Appeals.*

The City Council shall have the authority and duty to consider and act upon any application submitted for adjustment of standards provided herein.



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Note:

There are two issues that may need to be addressed in the Zoning Ordinance itself:

1. Allowing restaurant uses without drive thrus in OI Zoning Districts
2. Update the sign ordinance to allow for uniform directional signage for institutional campuses such as the hospital.